

McDaniel
37419-061906



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**JUNE 19, 2006
2:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

- 1. Call to Order--Roll Call. (Mayor Harris and Council Member Wishneff were absent.)**

The Invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Beverly T. Fitzpatrick, Jr.

Welcome. Vice-Mayor Fitzpatrick.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's Council meeting will be replayed on Channel 3 on Thursday, June 22, 2006, at 7:00 p.m., and Saturday, June 24, 2006, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, CLICK ON THE SERVICE ICON, CLICK ON COUNCIL AGENDAS TO ACCESS THE APPROPRIATE AGENDA AND COUNCIL MEETING. IF ADOBE ACROBAT IS NOT AVAILABLE, A PROMPT WILL APPEAR TO DOWNLOAD PRIOR TO VIEWING AGENDA INFORMATION.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

A Resolution paying tribute to the Honorable M. Rupert Cutler, Council Member.

Adopted Resolution No. 37419-061906. (5-0)
File #80-132

A Resolution paying tribute to the Honorable Brenda L. McDaniel, Council Member.

Adopted Resolution No. 37420-061906. (5-0)

File #80-132

A Resolution memorializing the late Honorable A. Victor (Vic) Thomas, a Roanoke native and longtime Delegate to the Virginia General Assembly.

Adopted Resolution No. 37421-061906. (5-0)

File #367

Presentation of a Certificate of Appreciation to former Roanoke Auxiliary Police Officers.

File #5-80

Proclamation declaring Monday, June 19, 2006 as John P. Baker Day.

File #3-80-178

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Qualification of the following persons:

Curtis L. Davis as a member of the Board of Trustees, City of Roanoke Pension Plan, for a term commencing July 1, 2006 and ending June 30, 2008; and

Clarice E. Walker as a member of the Roanoke Neighborhood Advocates, to fill the unexpired term of Althea L. Pilkington, resigned, ending June 30, 2006.

RECOMMENDED ACTION: Received and filed.

File #15-110-429-488

- C-2 A communication from the City Manager in connection with emergency procurement of professional engineering services and construction services for the Market Garage.
(No action by Council was required.)
File #516

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS:

- Peer Assessment for Public Safety – 15 minutes

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of 2006–2007 Community Development Block Grant, HOME Investment Partnerships Program and Emergency Shelter Grant Program funds; and appropriation and transfer of funds.
Adopted Budget Ordinance No. 37422–061906 and Resolution No. 37423–061906. (5–0)
File #60–178–236
2. Acceptance of a Certified Local Government (CLG) Grant from the Virginia Department of Historic Resources, in the amount of \$10,000.00; and appropriation of funds.
Adopted Budget Ordinance No. 37424–061906 and Resolution No. 37425–061906. (5–0)
File #60–216–236

3. Acceptance of an Employment Advancement for TANF Participants grant from the Virginia Department of Social Services, in the amount of \$410,000.00; and appropriation of funds.
Adopted Budget Ordinance No. 37426-061906 and Resolution No. 37427-061906. (5-0)
File #60-72-236
4. Acceptance of a Mobile Data Terminal Grant from the Office of Justice Programs and the Edward Byrne Memorial Justice Assistance Grant, in the amount of \$67,273.00; and appropriation of funds.
Adopted Budget Ordinance No. 37428-061906 and Resolution No. 37429-061906. (5-0)
File #60-236-301
5. Acceptance of an Interoperable Communications Grant from the Commonwealth of Virginia, in the amount of \$73,584.00; and appropriation of funds.
Adopted Budget Ordinance No. 37430-061906 and Resolution No. 37431-061906. (5-0)
File #5-60-236
6. Acquisition of certain property rights between the Roanoke City/Salem boundary and Hannah Court area, in connection with the Roanoke River Flood Reduction Project - Property Rights Acquisition, Phase II; and for development of open space, park and recreational purposes, including eminent domain if necessary.
Adopted Ordinance No. 37432-061906 and Ordinance No. 37433-061906. (5-0)
File #60-67-237

7. Amendment of the City Code to update code enforcement regulations in connection with the method of notification of property owners with regard to inoperable motor vehicles and weeds and trash abatement.
Adopted Ordinance No. 37434-061906, Ordinance No. 37435-061906 and Ordinance No. 37436-061906. (5-0)
File #20-24-447
8. Amendment of the City Code with regard to dangerous and vicious dogs.
Adopted Ordinance No. 37437-061906. (5-0)
File #24-54
9. Appropriation of \$116,774.00 in connection with the State Asset Sharing and Federal Forfeited Property Sharing programs.
Adopted Budget Ordinance No. 37438-061906. (5-0)
File #5-60
10. Execution of an amendment to the 2005-2006 CDBG Subgrant Agreement with Total Action Against Poverty, in connection with the Emergency Home Repair Program; and transfer of funds.
Adopted Budget Ordinance No. 37439-061906 and Resolution No. 37440-061906. (5-0)
File #60-178-226-236
11. Execution of a contract with the Fifth Planning District Commission Disability Services Board to continue the provision of local administrative staff support; and appropriation of funds.
Adopted Budget Ordinance No. 37441-061906 and Resolution No. 37442-061906. (5-0)
File #60-72-326
12. Execution of an agreement with the Roanoke Valley Convention and Visitors Bureau, to provide funds for marketing the Roanoke Valley as a convention and destination tourism site.
Adopted Resolution No. 37443-061906. (5-0)
File #293-336

13. Execution of a second amendment to the Lease Agreement with Crown Roanoke, LLC, for rental of additional office space at 111 Franklin Road, S. E., for a two-year period, commencing June 19, 2006 and ending May 31, 2008.

Adopted Ordinance No. 37444-061906. (5-0)
File #373-450

14. Execution of Amendment No. 5 to the contract with Hayes, Seay, Mattern & Mattern, Inc., in the amount of \$99,990.00, for additional design services in connection with the Dr. Martin Luther King Jr. Memorial Bridge Project.

Adopted Resolution No. 37445-061906. (5-0)
File #102

15. Execution of a Performance Agreement with United HealthCare Services, Inc., and the Industrial Development Authority to promote economic development within the City of Roanoke and the Roanoke Valley; and appropriation of funds.

Adopted Budget Ordinance No. 37446-061906 and Ordinance No. 37447-061906. (5-0)
File #60-207-450

b. Director of Finance:

1. Amendment of the City Code to clarify and modify provisions of the City of Roanoke Pension Plan, in order to maintain equity and operational compliance with governmental regulations.

Adopted Resolution No. 37448-061906. (5-0)
File #24-429

7. REPORTS OF COMMITTEES:

- a. Request of the Roanoke City School Board for appropriation of \$400,000.00 for the Food Services program; and a report of the Director of Finance recommending that Council concur in the request. Crystal Y. Cregger, Director for Purchasing and Contracts.

Adopted Budget Ordinance No. 37449-061906. (5-0)
File #60-467

- b. Request of the Roanoke City School Board for transfer of \$1,150,000.00 to provide sufficient funds to meet current year obligations of the district within each state category; and a report of the Director of Finance recommending that Council concur in the request. Crystal Y. Cregger, Director for Purchasing and Contracts.
Adopted Budget Ordinance No. 37450-061906. (5-0)
File #60-467

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. An Ordinance establishing compensation for Council Appointed Officers for the fiscal year beginning July 1, 2006.
Adopted Ordinance No. 37451-061906. (5-0)
File #1-38-83-104-184-280

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor and Members of City Council.

Council Member Dowe advised that a Youth Summit will be held on Thursday, August 3, 2006, at 6:00 p.m., at the Roanoke Civic Center, to discuss strategies to engage all segments of the community in reclaiming Roanoke's youth.
File #304

Inasmuch as their terms of office will expire on June 30, 2006, Council Members Cutler and McDaniel advised that they have enjoyed their years of service as Members of the Roanoke City Council.
File #132

Vice-Mayor Fitzpatrick advised that Council will listen to the statements and concerns of citizens; however, those persons addressing the Council will be expected to refrain from making personal attacks.

File #132

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. Bill Modica, 1546 Creek Lane, Salem, Virginia, spoke in support of the Dr. Martin Luther King, Jr., Memorial Bridge Project.

File #102

Mr. Howard L. Cooper, Jr., 3022 Hickory Wood Drive, N. E., commended the efforts of the Police Department to rid his neighborhood of illegal drugs. He asked that a former landfill site in the vicinity of Lucy Addison Middle School be tested for soil contamination and that the findings be shared with Roanoke's citizens. He advised that there are insufficient student textbooks in Roanoke's school classrooms and asked that the matter be investigated.

File #5-66-362-467

Mr. John Kepley, 2909 Morrison Street, S. E., advised that the Victory Stadium issue has divided the citizens of the City of Roanoke and the demolition of Victory Stadium will be the death of the City.

File #122

Ms. Patricia D. Baker, 3109 Kershaw Road, N. W., spoke in support of turning the Countryside Golf Course into a Municipal Golf Course with an upscale restaurant and swimming resort. (The remarks were referred to the City Manager.)

File #558

Ms. V. Lee Wolfe, representing the Gainsboro Neighborhood Alliance, spoke in support of the request of Total Action Against Poverty and the Roanoke Redevelopment and Housing Authority to permanently vacate, discontinue and close First Street from Wells Avenue to a point past the intersection with the south side of Loudon Avenue, N. W.

File #514

12. CITY MANAGER COMMENTS:

The City Manager advised that Vice-Mayor Fitzpatrick was recently appointed to serve on the Executive Committee of the Virginia Coalition of Cities.

File #110-550

The City Manager expressed appreciation to Council Members Cutler and McDaniel for their kind remarks with regard to City staff.

File #80-132

THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, ROOM 450, NOEL C. TAYLOR MUNICIPAL BUILDING.



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**JUNE 19, 2006
7:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call. (Mayor Harris was absent.)

The Invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Beverly T. Fitzpatrick, Jr.

Welcome. Vice-Mayor Fitzpatrick.

NOTICE:

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A. BID OPENING:

1. Bids for the lease of air rights above the right-of-way for Norfolk Avenue, Williamson Road, and Salem Avenue, S. E., identified as Official Tax Nos. 4010205 and 4010210, for a term of 60 years.
One bid was submitted by The Art Museum of Western Virginia for a one time rental payment of \$60.00 and a term of 60 years. The bid was referred to the City Manager for report and recommendation to Council.
File #373-416-481

B. PUBLIC HEARINGS:

1. Proposal of the City of Roanoke to lease air rights above the right-of-way for Norfolk Avenue, Williamson Road, and Salem Avenue, S. E., identified as Official Tax Nos. 4010205 and 4010210, for a term of 60 years. Darlene L. Burcham, City Manager.
Adopted Ordinance No. 37452-061906. (6-0)
File #373-416-481
2. Request of Four R-Enterprises, a Virginia general partnership, and Best-Jol Properties, LLC, a Virginia Limited Liability Company, that property located on Buford Avenue, S. W., identified as Official Tax Nos. 1421616, 1421617 and 1421604 through 1421608, inclusive, be rezoned from MX, Mixed Use District, to I-1, Light Industrial District, subject to certain conditions proffered by the petitioners. Maryellen F. Goodlatte, Attorney.
Adopted Ordinance No. 37453-061906. (6-0)
File #51

3. Request of the City Planning Commission to amend and reordain Division 4, Use Matrix, Section 36.2–340, Zoning, of the City Code, to allow eating and drinking establishments, not abutting a residential district, as a permitted principal use in the INPUD, Institutional Planned Unit Development District. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 37454–061906. (6–0)
File #24–51

4. Request of Roanoke Land Development, LLC, to amend the INPUD Development Plan entitled, “Riverside Corporate Center, Institutional Development Plan”, prepared by HSMM for Carilion Medical Center, CHS, Inc., and B & B Holdings as the Plan applies to property identified as Official Tax No. 1032203, being a part of the Riverside Corporate Centre, located at the intersection of Franklin Road and Reserve Avenue, S. W., and as set forth in the INPUD Development Plan entitled, “Hotel/Commercial Site–Riverside Corporate Center, prepared by Katz McConnel + Associates”. Rob Sorrentino, Owner, Spokesperson.

Adopted Ordinance No. 37455–061906. (6–0)
File #51

5. Request of Springwood Associates, LLC, that proffered conditions applicable to the northern portion of property located on Frontage Road, S. W., identified as Official Tax No. 5480719, consisting largely of Southmont Drive, a 50-foot wide private right-of-way, approved by Ordinance No. 33688–010598, be repealed, and that such property be rezoned from CG, Commercial–General District, with proffers, to MXPUD, Mixed Use Planned Unit Development District, for the purpose of allowing the property to be used as access to adjoining property which is currently used for commercial purposes. Edward A. Natt, Attorney.

Adopted Ordinance No. 37456–061906. (6–0)
File #51

6. Request of Springwood Associates, LLC, that all conditions accepted by Council pursuant to adoption of Ordinance No. 33688-010598 on January 5, 1998, applicable to the southern portion of property located on Frontage Road, S. W., identified as Official Tax No. 5480719, and consisting of approximately 1.55 acres, more or less, be repealed and replaced with conditions allowing any of 28 specific commercial uses. Edward A. Natt, Attorney.

Adopted Ordinance No. 37457-061906. (6-0)

File #51

7. Proposal of the City of Roanoke to amend Vision 2001-2020, the City's Comprehensive Plan, to include the "Nine-by-Nine" Youth Comprehensive Plan. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 37458-061906. (6-0)

File #424-304

8. Request of the City Planning Commission to amend certain sections of Chapter 31, Subdivisions, of the City Code, to update references necessitated by the repeal of Chapter 36.1, Zoning, and the adoption of Chapter 36.2, Zoning, and to reflect changes in a department title. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 37459-061906. (5-0, Council Member Wishneff was out of the Council Chamber when the vote was recorded.)

File #24-51

9. Request of the City Planning Commission to rezone properties identified as: (1) Official Tax No. 6410231, located at 2521 Portland Avenue, N. W., from R-7, Residential Single-Family District, to INPUD, Institutional Planned Unit Development District; (2) Official Tax No. 4400434, located on Ventnor Road, S. E., from R-12, Residential Single-Family District, with conditions to RMF, Residential Multifamily District, with conditions; (3) Official Tax No. 3340306, located on 21st Street, N. E., from RM-1, Residential Mixed Density District, and IN, Institutional District, to IN, Institutional District; and (4) Official Tax No. 1052701, located at 404 McClanahan Street, S. W., Official Tax No. 1052702, located at 400 McClanahan Street, S. W., Official Tax No. 1052703, located at Stephenson Avenue, S. W., from RMF, Residential Multifamily District, to MX, Mixed Use District. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 37460-061906. (6-0)

File #51

10. Request of the City of Roanoke to amend proffered conditions on a tract of land lying at the intersection of Orange Avenue and Blue Hills Drive, N. E., identified as Official Tax No. 7160113, such new proffered conditions to expand the number of principal permitted uses from six to 19 commercial uses allowed in the CG, Commercial-General District. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 37461-061906. (6-0)

File #51

11. Proposal of the City of Roanoke to grant an easement of approximately 45.85 acres on City-owned property, identified as the Carvins Cove Natural Reserve, located in the Amsterdam Magisterial District in Botetourt County, Virginia, to the United States Department of the Interior for relocation of a portion of the Appalachian National Scenic Trail. William M. Hackworth, City Attorney.

Adopted Ordinance No. 37462-061906. (6-0)

File #28-468

12. Proposal of the City of Roanoke to allow the encroachment of a retaining wall into the public right-of-way of Southern Hills Drive, S. W., adjacent to property identified as Official Tax Nos. 5480704 and 5470109. Darlene L. Burcham, City Manager.
Adopted Ordinance No. 37463-061906. (6-0)
File #28
13. Request of Total Action Against Poverty in Roanoke Valley and the Roanoke Redevelopment and Housing Authority to permanently vacate, discontinue and close First Street from Wells Avenue to a point past the intersection with the south side of Loudon Avenue, N. W., such area containing approximately 14,195 square feet, and Loudon Avenue from Gainsboro Road to its intersection with the west side of First Street, N. W., such area containing approximately 12,215 square feet. Edward A. Natt, Attorney.
Adopted Ordinance No. 37464-061906. (5-1, Council Member Wishneff voted no.)
File #514

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed concern and disappointment with regard to the previous action taken by the Council to close First Street from Wells Avenue to a point past the intersection with the south side of Loudon Avenue, N. W.
File #514